



IFW

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I hereby certify that this paper (along with any paper referred to as being attached  
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Dated: September 14, 2006 Signature: Robert B. Cohen  
(Robert B. Cohen)

Docket No.: SONYJP 3.3-364  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kunio Fukuda

Application No.: 10/549,591

Group Art Unit: N/A

Filed: September 20, 2005

Examiner: Not Yet Assigned

For: INFORMATION PROCESSING  
APPARATUS, INFORMATION  
PROCESSING METHOD, RECORDING  
MEDIUM, AND PROGRAM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### COMMUNICATION

Dear Sir:

Enclosed please find the International Preliminary Report on Patentability.

In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 12-1095.

Dated: September 14, 2006

Respectfully submitted,

By Robert B. Cohen

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 861-S04P0373	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/JP2004/003325	International filing date ( <i>day/month/year</i> ) 12 March 2004 (12.03.2004)	Priority date ( <i>day/month/year</i> ) 26 March 2003 (26.03.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SONY CORPORATION			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

Date of issuance of this report 13 February 2006 (13.02.2006)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Authorized officer  Yoshiko Kuwahara  Telephone No. +41 22 338 90 90

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference <b>861-S04P0373</b>		Date of mailing (day/month/year)	
International application No. <b>PCT/JP2004/003325</b>	International filing date (day/month/year) <b>12.03.2004</b>	Priority date (day/month/year) <b>26.03.2003</b>	
International Patent Classification (IPC) or both national classification and IPC			
Applicant <b>SONY CORPORATION</b>			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Box No. I	Basis of the opinion			Box No. II	Priority			Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability		
				Box No. IV	Lack of unity of invention			Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
				Box No. VI	Certain documents cited			Box No. VII	Certain defects in the international application		
				Box No. VIII	Certain observations on the international application						

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/003325

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/JP2004/003325**

<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>																									
<p><b>1. Statement</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Novelty (N)</td> <td style="width: 40%;">Claims</td> <td style="width: 30%;"><u>1-16</u></td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> <tr> <td style="text-align: right;">Inventive step (IS)</td> <td>Claims</td> <td><u>3, 12</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td><u>1, 2, 4-11, 13-16</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td style="text-align: right;">Industrial applicability (IA)</td> <td>Claims</td> <td><u>1-16</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> </table>			Novelty (N)	Claims	<u>1-16</u>	YES		Claims		NO	Inventive step (IS)	Claims	<u>3, 12</u>	YES		Claims	<u>1, 2, 4-11, 13-16</u>	NO	Industrial applicability (IA)	Claims	<u>1-16</u>	YES		Claims		NO
Novelty (N)	Claims	<u>1-16</u>	YES																							
	Claims		NO																							
Inventive step (IS)	Claims	<u>3, 12</u>	YES																							
	Claims	<u>1, 2, 4-11, 13-16</u>	NO																							
Industrial applicability (IA)	Claims	<u>1-16</u>	YES																							
	Claims		NO																							
<p><b>2. Citations and explanations:</b></p> <p>Document 1: JP 4-287433 A (Sharp Corporation), 13 October, 1992 (13.10.92)      Document 2: JP 11-17687 A (NEC Corporation), 22 January, 1999 (22.01.99)      Document 3: JP 2002-217913 A (Hitachi Kokusai Electric Inc.), 2 August, 2002 (02.08.02)      Document 4: JP 10-341172 A (NEC Corporation), 22 December, 1998 (22.12.98)</p>																										
<p>The subject matters of claims 1, 4-10, 13-16 do not appear to involve an inventive step in view of documents 1-3 cited in the ISR. Since the paragraphs [0021] to [0024] in the document 1 describe the means for preventing interference from other terminals, the means for communicating at maximum power in a line connection control stage for the purpose of low consumption power, and the means for communicating at minimum necessary power during phone call according to the strength of receiving electric wave, the subject matters that these means are applied to a wireless LAN apparatus based on the provisions of the IEEE802.11 as described in the documents 2, 3 can easily be reached by a person skilled in the art.</p>																										
<p>The subject matters of claims 2, 11 do not appear to involve an inventive step in view of documents 1-4 cited in the ISR. The document 4 describes the matter that transmission power is controlled by selecting one of multiple amplifying means.</p>																										
<p>The subject matters of claims 3, 12 are not described in any of the documents cited in the ISR, and also are not easily reached by a person skilled in the art.</p>																										